

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ALONZO JOHNSON,  
Plaintiff,

vs.

Case No. 1:19-cv-619

Black, J.  
Litkovitz, M.J.

OHIO DEPARTMENT OF REHABILITATION  
AND CORRECTION, *et al.*,  
Defendants.

**REPORT AND  
RECOMMENDATION**

Plaintiff has filed a motion for leave to proceed *in forma pauperis* in connection with a prisoner civil rights complaint. (Doc. 1). On August 6, 2019, the undersigned issued a Report and Recommendation, finding that plaintiff is prohibited by § 1915(g) from proceeding *in forma pauperis* in this case because at least three prior complaints filed by him while he has been a prisoner were dismissed with prejudice for failure to state a claim upon which relief may be granted. (See Doc. 2). It was recommended that plaintiff be ordered to pay the full filing fee required to commence this action within thirty (30) days. (*Id.*). By Order issued on October 8, 2019, the Court adopted the Report and Recommendation. (Doc. 3).

Plaintiff then filed a motion which the undersigned construed as a motion for reconsideration. (Doc. 5). Finding that there was no intervening change of controlling law and that plaintiff submitted no new evidence nor intervening authority, the undersigned recommended, on December 10, 2019, that the motion for reconsideration be denied. (Doc. 6). The undersigned also recommended that plaintiff be ordered to pay the full filing fee required to commence this action within thirty (30) days. (*Id.*). By Order issued on January 2, 2020, the Court adopted the December 10, 2019 Report and Recommendation. (Doc. 7). In its Order, the Court notified plaintiff that his failure to pay the full \$400 filing fee within thirty (30) days of the date of the Order would result in the dismissal of his action. (*Id.*).

To date, more than thirty days after the Court's January 2, 2020 Order, plaintiff has failed to pay the \$400 fee.

"District courts have the inherent power to sua sponte dismiss civil actions for want of prosecution to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R.*, 370 U.S. 626, 630–631 (1962). *See also Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991). Failure of a party to respond to an order of the court warrants invocation of the Court's inherent power. *See* Fed. R. Civ. P. 41(b). Accordingly, this case should be dismissed for plaintiff's failure to comply with the Court's January 2, 2020 Order. *In re Alea*, 286 F.3d 378, 382 (6th Cir. 2002).

It is therefore **RECOMMENDED** that this matter be **DISMISSED** for lack of prosecution.

**IT IS SO RECOMMENDED.**

Date: 2/18/20

  
Karen L. Litkovitz  
United States Magistrate Judge

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**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).